

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 19, 2004

Division: Growth Management

Bulk Item: Yes X No

Department: Planning

AGENDA ITEM WORDING: Approval for one Restrictive Covenant from David Jachowski and William Niles to have one dwelling unit on contiguous lots described as Lots 15 & 16, Block 3, Summerland Key Cove Amended, Summerland Key.

ITEM BACKGROUND: On April 14, 2004 the Planning Commission approved an allocation award for the applicants listed below provided the applicants' Restrictive Covenant is approved by the BOCC. David Jachowski and William Niles submitted the Restrictive Covenant to Monroe County. The applicant is receiving one dwelling unit allocation award for the year ending July 13, 2004, have filed the document in accordance with Ordinance No. 47-1999.

PREVIOUS RELEVANT BOARD ACTION: On November 11, 1999, the BOCC adopted Ordinance No. 047-1999.

CONTRACT/AGREEMENT CHANGES: N/A.

STAFF RECOMMENDATION: Approval.

TOTAL COST: X

BUDGETED: Yes N/A No

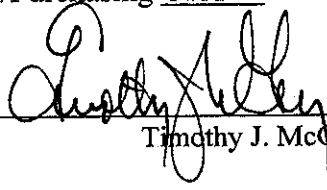
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** N/A **Year**

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, AICP

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # I8

M E M O R A N D U M

TO:: Danny Kolhage, Clerk of the Court
FROM: Timothy J. McGarry, Growth Management Director
DATE: May 19, 2004
RE: Clarification of Agenda Item

Restrictive Covenant

Permit Number	Name on Agenda Item	Name on Restrictive Covenant	Legal Description
03-1-4537	David Jachowski and William Niles	David Jachowski and William Niles	Lots 15 & 16, Block 3, Summerland Key Cove Amended, Summerland Key

LOT AGGREGATION RESTRICTIVE COVENANT

1. **WHEREAS**, David Jachowski, a single man and William C. Niles, a single man, the undersigned are the sole owners of the following described real property located in Monroe County, Florida described as follows:

Lot(s) 15 & 16 Block(s) 3

Subdivision: Amended Plat of Summerland Key Cove

Key: Summerland PB: 4-35

Real Estate #(s): 00189660.000000 and 00189650.000000
and

2. **WHEREAS**, this Lot Aggregation Restrictive Covenant that restricts the use of the legally described property in order to receive a building permit; and

3. **WHEREAS**, the above described parcel(s) was assigned additional points in the Permit Allocation System for building permit # 03104537 for the voluntary reduction of density through aggregation of vacant, legally platted buildable lots.

4. **NOW, THEREFORE**, the undersigned agree as follows:

- The above described parcel(s) shall have its density reduced from two dwelling units to one dwelling unit in consideration of a building permit to build a single-family residence; and
- The restrictions herein shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned; it being the intention if the undersigned by execution and recording of this document that this restriction shall run with the land and shall be forever binding upon the successors in title; and

- This covenant is intended to benefit and run in favor of the County of Monroe; and
- In the event of any breach or violation of the covenant contained herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate.

EXECUTED ON THIS 19 day of November, 2003.

OWNER OR OWNERS

David Jachowski
David Jachowski

William C. Niles
William C. Niles

WITNESSES:

Kathleen A. Brennan
(Signature)

KATHLEEN A. BRENNAN
(Print/Type Name)

Deborah E. Martin
(Signature)

Deborah E. Martin
(Print/Type Name)

Sworn before me this 19 day of November, 2003 A.D.

Marianne E. Austin Murray
Notary Public (Print Name)

Marianne E. Austin Murray
Notary Public (Signature)
My Commission Expires:

This instrument was prepared by:
David Jachowski
747 West Shore Dr.
Summerland Key, FL 33042



Marianne E. Austin Murray
My Commission D0041520
Expires July 11, 2008

Lot Aggregation Restrictive Covenant
RE: 00189660.000000 and 00189650.000000

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MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

Robert N. Wolfe
ROBERT N. WOLFE
CHIEF ASSISTANT COUNTY ATTORNEY
Date 5-11-04